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January 2, 2024

VIA CM/ECF AND EMAIL
Original will not follow by mail.

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: In re Search Warrants dated November 3, 2021, 21 MAG 10547
Miscellaneous Case No. 21-mc-00825

Dear Judge Torres:

Pursuant to Your Honor's December 29, 2023 Order [Dkt. 70], the date by which the Government's filter team is to turn over Responsive Materials to the Government's investigation team and on which the investigation team is permitted to begin reviewing any materials received from the filter team was moved from January 5, 2024 to January 9, 2024. Further, the Court directed that Petitioner either file a motion to stay the Court's order or otherwise inform the Court how he intends to proceed in this matter by January 3, 2024.

Petitioner Spencer Meads intends to file an appeal from the Court's December 21, 2023 Order. For this reason, the undersigned has worked throughout the Christmas and New Year's holidays, seeking appellate counsel with the requisite First Amendment experience to assist with filing an appeal with the Second Circuit on Petitioner's behalf, and to assist in an appropriate stay motion with the District Court. Despite the difficulty occasioned by the holidays, I can now inform the Court that Petitioner anticipates retaining appellate counsel imminently. Appellate counsel will nevertheless require a reasonable amount of time to review the history of this action and the relevant filings and get up to speed regarding this matter.

Accordingly, Petitioner now respectfully requests that this Court grant an extension of time to January 17, 2024 to file his stay motion with this Court, along with a corresponding extension of the time by which the Government's filter team may turn over Responsive Materials not protected by the attorney-client privilege to the Government's investigative team.

I submit that, should the Court grant the relatively brief extension of time requested herein to protect Petitioner's appellate rights, the Government would suffer no prejudice. To the contrary, Petitioner submits, this relatively brief extension is warranted because Petitioner's objections to the Special Master's Report and Recommendations involve assertions of First Amendment protections

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triggering a presumption of irreparable harm. *See, e.g., Jolly v. Coughlin*, 76 F.3d 468, 482 (2d Cir. 1996) (recognizing presumption of irreparable injury flowing from violation of constitutional rights). The Government's interest, however, is not solely limited to its prosecutors obtaining copies of the Responsive Materials. The Government also has a legitimate interest in ensuring that Petitioner's First Amendment rights are protected. *See, e.g., Dimartile v. Cuomo*, No. 120CV0859GTSCFH, 2020 WL 4877239 at *11 (N.D.N.Y. Aug. 19, 2020) (stating that "the public also has an interest in having constitutional rights protected and not unduly infringed by unchecked government action"). In determining whether a stay is appropriate, the harm to the Government and the public interest merge where the Government is a party. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Of course, if the Government's investigative team were to review the Responsive Materials before Petitioner's stay motion could be fully briefed and determined by the Court, Petitioner's appeal would be mooted.

The extension requested herein is not for purposes of undue delay or any other improper purpose. Thank you for Your Honor's attention to this matter.

Respectfully submitted,



By: _____

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